

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


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UNITED STATES OF AMERICA	:	
	:	
- v. -	:	22 Cr. 240 (AKH)
	:	
SUNG KOOK (BILL) HWANG and	:	DECLARATION OF
PATRICK HALLIGAN,	:	MATTHEW PODOLSKY
	:	
Defendants.	:	
-----X	:	

I, Matthew Podolsky, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am currently the Deputy Chief of the U.S. Attorney's Office's Securities and Commodities Fraud Task Force and one of the Assistant United States Attorneys with responsibility for this matter.
2. On or about October 22, 2021, I participated in a telephone conversation with counsel to Sung Kook (Bill) Hwang. I took contemporaneous notes of the call. A true and correct copy of those notes is attached hereto as Exhibit A. My notes summarize the substance of the conversation, but do not capture the conversation verbatim.
3. To the best of my memory, and as reflected by my notes, during that call one of Hwang's lawyers asked, in substance, if it was correct to assume that the U.S. Attorney's Office viewed Hwang was a "subject" of its investigation. I said, in substance, that it was fair to describe Hwang as a subject. At that time, and based on my understanding of DOJ's Justice Manual, it was my view that Hwang was a subject of the criminal investigation and that he was not a target.
4. On or about April 1, 2022, I participated in a telephone conversation with counsel to Hwang. I took contemporaneous notes of that call. A true and correct copy of the notes of that call are attached as Exhibit B. My notes summarize the substance of the conversation, but do not capture the conversation verbatim.
5. On or about April 6, 2022, I participated in a telephone conversation with counsel to Hwang. I took contemporaneous notes of that call. A true and correct copy of the notes of that call are attached as Exhibit C. My notes summarize the substance of the conversation, but do not capture the conversation verbatim.
6. I participated in multiple advocacy presentations made by Hwang's legal team, including a presentation on April 25, 2022. The Deputy United States Attorney, Margaret Garnett, among others, also attended the April 25, 2022 presentation. Following that meeting, and

after further internal discussion, Ms. Garnett authorized the filing of charges against Hwang.

Dated: New York, New York
January 12, 2023



Matthew Podolsky
Assistant United States Attorney
(212) 637-1947

Exhibit A

From: [Podolsky, Matthew \(USANY\)](#)
To: [Rossmiller, Alexander \(USANY\)](#); [Thomas, Andrew \(USANY\)](#)
Subject: 2021.10.22 -- Call w/ Hwang Counsel
Date: Friday, October 22, 2021 4:19:00 PM

Larry Lustberg

Tom Valen

AR

AT

MP

- LL: want to open up line of communications, let us know if we have questions, want documents, available and ready to provide
 - LL: we spoke to Carmen, she told us the investigation isn't at the beginning or the end, we assume Hwang is a subject
 - MP: I think that's fair that we consider Hwang a subject at this point in our investigation
- LL: offer for information is not meant to be limited in any way, not impossible that within the scope of that would be that we would make our client available for an interview or proffer, maybe starting with an attorney proffer
 - MP: will consider and get back to you as appropriate

Matthew Podolsky

Assistant United States Attorney

Southern District of New York

One St. Andrew's Plaza

New York, NY 10007

(212) 637-1947

Exhibit B

From: [Podolsky, Matthew \(USANYS\)](#)
To: [Thomas, Andrew \(USANYS\)](#); [Rossmiller, Alexander \(USANYS\)](#)
Subject: 2022.04.01 -- Call w/ Gibbons
Date: Friday, April 1, 2022 5:16:00 PM

Larry Lustberg

Tom Valen

Jeff Nagel

AR

AT

MP

- AT: we do have some serious concerns about the lawfulness of Mr. Hwang's conduct and with respect to the credibility of some of the answers Mr. Hwang supplied, but would be available to meet with you the week of April 11
 - Would be productive to focus on the trading conduct, including whether Mr. Hwang's trading was intended to influence the market he was trading, and his understanding of and delegation of the capacity communications, such as the communications with Goldman Sachs that we discussed
 - Would also be useful to hear about the Credit Suisse ISDA that you presented on before
 - Advice of counsel came out at a few points, including box trades, trades/requests with Tao Li, disclosure requirements, so putting on your radar how to address
 - Presentation would be to Deputy United States Attorney, Margaret Garnett, Securities Chiefs, and us
- TV: time period?
 - AT: March 2020 to March 2021
- MP: no obligation to do so, but we want to give you the opportunity to present to us, as you mentioned you wanted to last week
- LL: can we do end of week?
 - AT: will try to get a window there, depending on Ms. Garnett's availability

Matthew Podolsky

Assistant United States Attorney

Southern District of New York

One St. Andrew's Plaza

New York, NY 10007

(212) 637-1947

Exhibit C

From: [Podolsky, Matthew \(USANYS\)](#)
To: [Thomas, Andrew \(USANYS\)](#)
Subject: 2022.04.06 -- Call w/ Hwang Counsel
Date: Thursday, April 7, 2022 10:41:00 AM

Larry Lustberg

AT

MP

- LL: took very seriously what you said about serious concerns about BH's conduct and truthfulness
 - Requesting more time to address these allegations, we don't think two weeks is enough to put together a sufficiently thoughtful presentation
 - Also difficult to consider whether we want to waive privilege – complex due to civil litigation
 - Don't agree with view that BH intended to affect price, but may also have views on the legal framework
 - Would like date week beginning May 2, but would appreciate any additional time
 - AT: will convey up and come back to you
 - LL: also happy to speak directly to whomever
- AT: certainly would receive anything you want to say on any of the topics we addressed with BH, and would welcome anything you want to say on facts/law of open market manipulation
- LL: the issue of waiver is a very difficult one
 - Need to go to Bethesda to help with pregnant daughter/family

Matthew Podolsky
Assistant United States Attorney
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007
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